



Tazewell Co. - Pekin / Mun.

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November 16, 1979

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Monte Nienkerk,
Regional Manager
Illinois Environmental
Protection Agency
4500 S. Sixth Street
Springfield, Illinois 62706

ENVIRONMENTAL PROTECTION AGENCY
STATE OF ILLINOIS

Re: People v. City of Pekin,
Tazewell County Circuit
Court No. 78-E-522

Dear Monte:

On November 13, 1979 the Circuit Court issued the enclosed injunction in the above-entitled case ordering the City of Pekin to place final cover on its former landfill site on or before July 31, 1980. The court declined to order that the City certify the depth of cover to the Agency.

I have informed the Court and the City's attorney, Mr. Keyser, that the Agency assessed the deficiency in cover material some time ago, and would provide this information to the City to assist it in carrying out the court order. The City will bear full responsibility for completion of the two-foot layer. The Agency may challenge the City in court if the job is not completed by July 31.

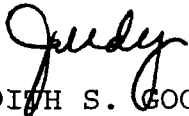
Mr. Keyser apparently wants to have the City work with the Agency on identifying the amounts of cover needed on the various areas of the site. I suggest that John Taylor and you be present, and I will attend if the City's attorney attends. I sense that there may be some change in the City's attitude and effort, for the better, and believe that an attempt to cooperate at this time would be in everyone's best interests.

Because of the legal device of Summary Judgment, no trial has been necessary to obtain the court order. A trial, with its attendant discovery procedures, on the issue of the amount of penalty, would cost more than we could realistically expect to obtain in a penalty. Therefore the case has been concluded without a penalty, in the interests of expediting the covering of the site.

It is possible that the City may seek a variance from the two-foot requirement. If it does, we should work together in formulating the Agency's response.

Please let me know if you hear from the City on this matter.

Very truly yours,



JUDITH S. GOODIE
Assistant Attorney General
Environmental Control Division
188 West Randolph Street
Suite 2315
Chicago, Illinois 60601
312/793-2491

Enclosure

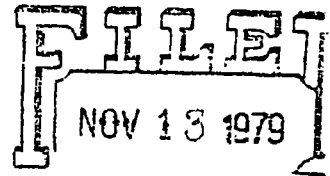
cc: John Williams
IEPA, Spfd

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ENVIRONMENTAL PROTECTION AGENCY
STATE OF ILLINOISIN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
TAZEWELL COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 vs.)
)
 CITY OF PEKIN, a municipal)
 corporation,)
)
 Defendant.)

NO. 78-E-522



SUMMARY JUDGMENT ORDER
AND INJUNCTION

Blanche D. Davis
 TAZEWELL COUNTY CLERK
 TENTH JUDICIAL CIRCUIT OF ILLINOIS

This Court having granted Summary Judgment for the Plaintiff in its order entered May 1, 1979, Defendant CITY OF PEKIN having moved for reconsideration on May 15, 1979, the Court having heard the arguments of counsel for the parties and being fully advised in the premises;

THE COURT FINDS that there is no genuine issue as to any material fact and that the order of May 1, 1979 granting Summary Judgment to the Plaintiff should not be reconsidered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

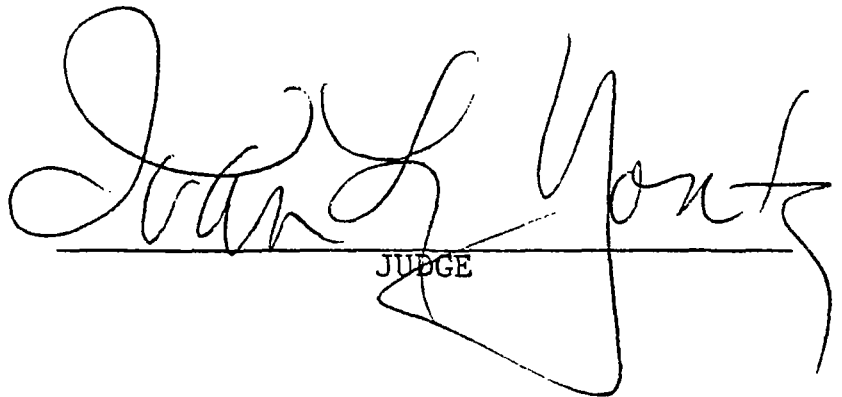
1. That Defendant's Motion to Reconsider Order Entered Granting Plaintiff's Motion for Summary Judgment is denied;
2. The City of Pekin shall close the subject refuse disposal site, located in the Southeast Quarter of Section 9, Township 24 North, Range 5 West of the Third Principal Meridian (subject site) in Tazewell County, Illinois, in conformity with the Pollution Control Board's Rules and Regulations, Chapter 7: Solid Waste (Solid Waste Rules). On or before July 31, 1980, the City of Pekin shall complete the final cover on the subject site, as required by Rule 305(c) of Solid Waste Rules, as follows: all areas of the subject site in which refuse has been deposited shall

be covered by a compacted layer of suitable material so as to provide a total of not less than two feet of cover material on all said areas.

3. The Court shall retain jurisdiction over this matter for purposes of determining compliance with this Order.

4. This Order is a final order, and concludes all issues arising in this matter.

ENTER: November 13, 1979.


JUDGE

FILED
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Blanche D. Davis
CLERK OF COURT
TENTH JUDICIAL CIRCUIT OF ILLINOIS